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April elections bring four new judges to bench

Four new judges won election and two incumbents held on to their circuit court seats in the April 1 spring election. One of the winning judges has already been appointed by Gov. Scott Walker to fill the office early.



Judge James M. Peterson

In Dunn County, District Atty. James M. Peterson defeated private practice Atty. Christina M. Mayer. Peterson is a graduate of the University of Minnesota and the UW Law School. He has also served as an assistant district attorney in Dunn County and worked in private practice. Walker appointed Peterson to begin his term early to fill the vacancy that was created by the retirement of Judge William C. Stewart Jr. from the Branch 1 bench (see *The Third Branch fall 2013*).

Florence/Forest County Circuit Court Judge Leon D. Stenz

retained his seat after a challenge from Robert A.P. Kennedy Jr., who had served one term as Florence/Forest County Circuit Court judge before being narrowly defeated by Stenz in the 2008 election. Kennedy had originally been elected to the judgeship in 2002, after defeating Stenz in that challenge. Prior to 2002, the seat was held by Kennedy's father, Judge Robert A. Kennedy Sr.

In Jefferson County, Judge David J. Wambach won his first full term after defeating private practice Atty. Joann L. Miller, who also serves as a judge on the Central Jefferson County Municipal Court. Wambach was appointed in June 2013 to fill the vacancy created by the retirement of Judge Jacqueline R. Erwin (see *The Third Branch winter 2013*). Prior to his appointment, Wambach served as assistant attorney general for the Criminal Litigation Unit.

Milwaukee County Court Commissioner Laura Gramling Perez defeated Commissioner Cedric Cornwall for the

see **Elections** on page 13

New laws affect courts

By Nancy Rottier, Legislative Liaison

About 60 new laws adopted during the 2013-14 legislative session will affect the court system and all areas of the law, including criminal, civil, probate and juvenile. A number of other bills that would have affected the courts were defeated.

The Assembly adjourned its session on March 20; the Senate ended with a comparatively short eight-hour day on April 1. The Legislature conducted the bulk of its work in the final weeks. Of the 380 new laws enacted this session, 264 of them were passed since January 1. A more complete summary of the acts passed affecting the court system is available on CourtNet, on the page of the Legislative Committee of the Judicial Conference. Here's a rundown of some of the major acts adopted:

see **New laws** on page 7



Chief Judge Jeffrey A. Kremers, Milwaukee County Circuit Court, right, makes a point about court funding concerns during a recording of the show *Legally Speaking* at the WisconsinEye studios in Madison on April 4. Other guests include, from right to left, Sarah Diedrick-Kasdorf, deputy director of government affairs for the Wisconsin Counties Association; Patrick Fiedler, State Bar of Wisconsin president; A. John Voelker, director of state courts. Show host Steve Walters is seated at left. The show can be viewed in online archives available at www.wiseye.org.

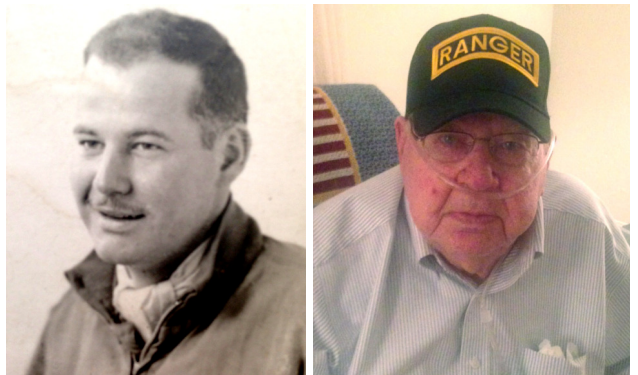
D-Day has special meaning for Hassin family

If you want to find out why June 6, 1944, D-Day, is a significant date in American history, check a history book. That's the day 150,000 Allied soldiers, 5,000 ships and 13,000 aircraft arrived at the beaches of Normandy, France. D-Day is widely regarded as the turning point against Nazi Germany in Europe during World War II. There are few dates considered more significant in U.S. military history.

If you want to find out what D-Day means on a more personal level to three generations of Judge Donald H. Hassin, Jr.'s family, just ask them.

The Waukesha County Circuit Court judge's son Jared Hassin is an infantry officer who graduated from West Point in 2013. He has "Omaha Beach" tattooed on his right shoulder.

The tattoo "kind of says it all" about the meaning of D-Day to his family, Judge Hassin said.



Don Hassin Sr., the father of Waukesha County Circuit Court Judge Donald H. Hassin Jr., served as a U.S. Infantry officer during WWII, when the photograph at left was taken. He was among troops who landed at Omaha Beach during the invasion of Normandy, France on June 6, 1944.

see **D-Day** on page 10

Director's column: Innovations bring recognition for courts

By A. John Voelker, Director of State Courts

During the last few months, I have been traveling the state, making presentations to various groups about the Wisconsin court system's budget situation.

After giving my presentation recently to the District 9 judges in Rhinelander, one of the judges commented that when he was looking at the agenda prior to the meeting he thought he could count on me to be positive and uplifting.



A. John Voelker

Instead, my message came across about as gloomy as the spring weather at the time. As I drove to my next stop in Chippewa Falls, I reflected on the judge's comment. While I know the budget message must be delivered, I think it's important not to lose sight of the positive work and examples of innovation and leadership in the court system.

Peter Drucker, a writer, professor, and management consultant, defined systematic innovation as the purposeful and organized search for changes, and the systematic analysis of the opportunities such changes might offer.

During the past couple of years, I have seen the positive results of this approach to managing the court system, and there's nothing gloomy about it. The Wisconsin court system has no shortage of accomplishments in this area.

Evidence-based practices

One area in which our innovation is being recognized is evidence-based practices.

Building on the findings of the National Center for State Courts report "Effective Justice Strategies in Wisconsin" and the Treatment Alternatives and Diversion (TAD) evaluation report, the Director of State Courts Office received a grant from the Wisconsin Department of Justice to hire a Statewide Problem-Solving Courts Coordinator. The coordinator is a resource to local program-solving courts and works to advance statewide initiatives such as the TAD Program.

The Director of State Courts Office also received a three-year \$200,000 grant from the U.S. Department of Justice - Bureau of Justice Assistance to develop and implement performance measures for Wisconsin's adult drug and hybrid courts. This project, combined with the development of the Wisconsin Association of Treatment Court Professionals treatment court standards, will put Wisconsin in the forefront of the treatment court community.

Last year, the Effective Justice Strategies (EJS) Subcommittee of the Planning and Policy Advisory Committee, with the assistance of the Center for Effective Public Policy and a grant from the Wisconsin Department of Justice, developed a Wisconsin-specific, evidence-based sentencing training for judges and criminal justice system partners. The "Effective Sentencing Practices: From Theory to Reality" training was provided for each of the 10 judicial districts. Some grant funding remains for the Director of State Courts Office to provide follow-up technical assistance to counties to ensure implementation of evidence-based practices at the local level.

The National Criminal Justice Association identified Wisconsin's TAD Program as a promising practice in criminal justice programming. TAD is an example of how state agencies can integrate evidence-based practices and assist counties in developing treatment alternatives and diversions to jail and prison by targeting non-violent offenders suffering from alcohol and drug addictions. As a result of recent increases in state appropriations from the Wisconsin Legislature, the annual TAD appropriation has increased from \$1 million to \$2.5 million and now to \$4 million. The TAD program is a collaborative effort of the Wisconsin Department of Justice, Wisconsin Department of Corrections, Wisconsin Department of Health Services, and the Director of State Courts Office.

Consolidated Court Automation Programs (CCAP)

CCAP, which provides the information and technology backbone for our court system, is being recognized for implementing new technologies to gain efficiencies, improve access to information and data sharing between the circuit courts and justice partner agencies. The court system's Chief Information Technology Officer Jean Bousquet, is serving on the U.S. Department of Justice - Bureau of Justice Assistance's Criminal Justice Technology Forecasting Group. This group, which brings together people across disciplines, explores emerging technology issues that will impact the criminal justice field.

Bousquet also was recently appointed to the Judicial Tools Working Group of the National Center for State Courts' Technology Committee. This group is studying the availability and use of electronic judicial tools throughout the nation's courts. The group will help develop a whitepaper that identifies key issues and considerations in implementing tools for judges to help access and manage electronic case records on the bench, in chambers and remotely. Bousquet has been invited to present on the topic of Building and Using Electronic Dashboards to Reduce Case Delay for a joint National Association of Court Management/National Conference of Metropolitan Courts conference this summer.

Integrated Payroll and Financial Systems

The court system is serving as a resource for state government agencies that are just now beginning to work toward implementing the integrated payroll and financial systems that the Director of State Courts Office brought online in September of 2011.

These programs, formally known as the Payroll and Human Resources System (PHRS) and the Court Financial System (CFS) were completed on time and under budget by the Office of Management Services, as approved by the Supreme Court less than a year before.

As a result, management services staff are now being asked to make presentations to the state Department of Administration (DOA) and others throughout state government, including the State of Wisconsin Investment Board, the Department of Employee Trust Funds and the Legislature.

We took the initiative to implement a new system because we recognized the ailing nature of the state administration's

see **Director's column** on page 14

RETIREMENT

**Karen E. Christenson
Milwaukee County Circuit Court**

While Milwaukee County Circuit Court Judge Karen E. Christenson thinks every judge who presides over felony cases in Milwaukee will handle some memorable cases, it's her eight years in the children's court that stand out to her, because she feels that's where she made the most difference.

When Christenson retires Aug. 1, she will leave behind a legacy that includes the first family drug treatment court in the state, something she takes pride in helping initiate. The program, launched in Milwaukee County in April 2011, was created through a \$650,000 grant from the Office of Juvenile Justice Delinquency Prevention. The program provides treatment and support for parents struggling with substance abuse problems, with the goal of reducing the time children spend in foster care, and ultimately reuniting the parents with their children.

Christenson was first elected to the Branch 37 bench in 1998, after the retirement of Judge Arlene D. Connors. She won reelections 2004 and 2010. A graduate of UW-Madison and Marquette University Law School, she had previously served as a Milwaukee County assistant district attorney, and worked in private practice, as a book editor, and as a junior high school English teacher. She has served on the National Council of Juvenile and Family Court Judges, the Judicial Education Committee, the Association of Women Lawyers, as chair of the Juvenile Jury Instruction Committee, is the former presiding judge of the Milwaukee County Circuit Court Juvenile division.

Over the years, Christenson said she had noticed a decrease in the resources available to the judiciary, but believes the court system is doing as well as it can to adapt.

"I think it's recognized by everyone that we're limping along here," she said, adding that she doesn't see how the court system could handle any further cuts.



Judge Karen E.
Christenson

Christenson said she is looking forward to her retirement, and having the time to add spontaneity back in to her life and reinvent herself.

**Judge Thomas E. Lister
Jackson County Circuit Court**

During the last six years, Jackson County Circuit Court Judge Thomas E. Lister has noticed a distinct redirection away from the revolving door system in the courts for those who struggle with substance addiction and dependency.

"There's greater emphasis on treatment, and identifying people to divert in to treatment programs," Lister said.

Lister has done his part, with the creation of several problem-solving court programs in his county, including an adult treatment court, a family treatment court, and two courts for members of the Ho-Chunk Nation. The treatment courts have an added benefit of helping caseload, which Lister said has been at its heaviest in the county in the last six years.

Lister said one of the benefits of being a single-judge county is that he has had the opportunity to see all kinds of people in the courtroom, from families celebrating adoptions to troubled individuals facing criminal charges. He said he will miss these day-to-day interactions.

Lister was appointed in 2008 and elected in 2009, after working in private practice and serving as district attorney and corporation counsel. A graduate of De Pauw University and UW Law School, he has served on the State-Tribal Justice Forum and the Judicial Legislative Committee, and as a fellow of the Wisconsin Law Foundation.

In 2011, a challenge of a plea Lister accepted made its way to the state Supreme Court. Lister had accepted the guilty plea in *State v. Soto* via video conference. The defendant later filed a motion to withdraw his guilty plea, arguing that the hearing via video conference violated his

see **Retirements** on page 15



Judge Thomas E. Lister

OBITUARIES

**Hon. Thomas S. Williams
Winnebago County Circuit Court**

Former Winnebago County Circuit Court Judge Thomas S. Williams passed away on March 19 at the age of 80. Williams was first elected to the Winnebago County Bench in 1974, and served until his retirement in 1998. While on the bench, he was a member of the Wisconsin Judicial Council, serving as chair for a term; the Executive Committee of the National Conference of State Trial Judges; and the Probate and Mental Health Benchbook Committee. He served as Chief Judge for the Fourth Judicial District from 1992-95. After his retirement, Williams continued to serve as a reserve judge for 10 years.

Williams received his B.A. in Psychology from Carleton College 1955, and attended Harvard Law School before

graduating magna cum laude from UW Law School in 1958. He was the editor of the Wisconsin Law Review from 1957-58. He worked in private practice prior to his election to the bench.

According to his obituary, Williams helped establish and served as president of the Fox Valley Region Big Brothers program. He and his wife served as foster parents for 22 years. Williams was an avid bowhunter, and served as president of the Wisconsin Bowhunters Association.

Williams is survived by his wife, Valerie, and their five children. ■



Judge Thomas S.
Williams

Foley Family takes judging to heart

In the winter 2014 edition of The Third Branch, we featured sibling judges who currently serve on the bench. In this issue we begin a series of articles about children who have followed in a parent's career footsteps as judges by profiling Milwaukee County Circuit Court Judge Christopher R. Foley and his father, the late Leander J. Foley. Other parent/child judge pairs will be featured in future editions.

Christopher Foley was first appointed to the bench in 1985. He was elected in 1986 and re-elected four times, most recently in 2010. His father began his career as a judge in 1959 and served 26 years on the bench, and was recognized as one of the best family law judges in the state. Leander Foley died Dec. 26, 1996.

The Foleys

In 1985 Christopher was appointed to replace his father, Leander, who retired after first being elected in 1964. According to an article in the *Milwaukee Journal* covering the younger Foley's swearing in ceremony, there was much laughter and tears in the courtroom that day, as Leander cried while he administered the oath to his son, and Christopher cried as he spoke of his father.

"If you think he is an outstanding judge, you should know him as a father," Christopher is quoted as saying.

The elder Foley presented his son with a statue of Thomas More and told him "Christopher, mom and I are proud of you," according to the article.

Judge Christopher R. Foley recalls:

Humility was one of my father's great attributes and, as a result, he would take great offense at my saying that he was a revered judge (the family law lawyers in Milwaukee named their chapter of the Inns of Court after him when he died). So at my investiture, at which he swore me in, I stated that if you had to succeed a judicial legend, the best way to prepare was to be raised by him. For as good a judge as he was, he, in tandem with my mother, was a better

parent.

My dad never lost sight of the fact that in each case he was dramatically impacting the lives of the people involved. Everyone who appeared in front of him knew he recognized that and was committed to doing what was right. Even those who lost walked out knowing they had been treated respectfully and fairly. I can only hope that I convey that same sense to those appearing before me.

Perhaps my favorite story about my dad as a judge came from Julia Vosper, a guardian ad litem who is now a court commissioner. She had acted as guardian ad litem for a young mother who conceived unexpectedly. She had made the crushing decision to consent to termination and allow adoption. At the consent hearing, emotionally overwrought, she could not proceed with the consent and dad adjourned the hearing to allow her to again consider her options. She returned several days later and, again emotionally overwrought, proceeded with her consent, assuring Dad that she felt it best for her child. She left the courtroom weeping uncontrollably. Dad had left the courtroom and exited through a back exit. Vosper was delayed in exiting and came around the corner of the hallway to find the young woman collapsed in the arms of my father, who she had accidentally encountered and who was gently consoling her and assuring her that she had done a remarkably selfless and loving act for her child. I suppose in this day and age that is something that would land you in front of the judicial commission, but it was the essence of my father and his recognition of the personal impact that judicial acts have on the people involved. ■



Judge Christopher R. Foley

Columbia County starts OWI treatment court

After more than a year in planning, Columbia County has an OWI Court in place. Its first offender appeared in court April 22. The court uses screening criteria, accepting third offense OWI charges in which an offender has 0.20 percent blood-alcohol concentration or higher, unless otherwise approved by the treatment team. The court was established and is headed by Columbia County Circuit Court Judge Alan J. White.

Although the process of setting up the court was long and challenging, White said it will make a difference in the lives of Columbia County residents, as well as save money on incarceration costs.

"We were very fortunate to receive a state Treatment Alternative and Diversion (TAD) grant in the amount of \$132,096 to get the court going. We had dedicated team members, especially Patti Herman of the UW Extension, who was largely responsible for writing the grant," White said.

A number of different community groups had input into the treatment court. The treatment team consists of representatives from the offices of the public defender,

district attorney, probation and parole, Columbia County Human Services, as well as a treatment court coordinator and the circuit court. The team attended the recent Wisconsin Association of Treatment Court Professionals Conference in La Crosse. Dane County Circuit Court Judge John W. Markson was significant in helping make the treatment court a reality, White said.

An article about the new court appeared in the *Portage Daily Register*, which noted Columbia County contributed \$44,032 — mostly in in-kind services, such as office space.

Participants are involved in the program for 18 to 24 months. The program has three phases, starting with weekly meetings with Drug Court Treatment Program Coordinator Kelly Zuelke and other members of the drug court treatment team.

The *Daily Register* quoted Assistant District Atty. Troy Cross, who prosecutes most of the drunken-driving offenses in Columbia County, as saying the program is designed to be "very intensive" in order to effect change in the patterns of behavior that lead to drinking and driving. ■

AWARDS

Ziegler receives Distinguished Alumni honor

Justice Annette Kingsland Ziegler was honored with a Distinguished Alumni Award by the Hope College Alumni Association during a ceremony on April 26 in Holland, Mich. Ziegler graduated from Hope in 1986 before attending Marquette University Law School.

Ziegler was presented with the award for building a career of service to her community, state, and country on the foundation of her Hope College education, and for reaching the pinnacle of judicial service in the state of Wisconsin.

The award, first presented in 1970, is the highest honor that alumni can receive from the college's Alumni Association. Ziegler also met with pre-law students during her visit.



Justice Annette Kingsland Ziegler addresses an audience gathered at Hope College in Holland, Michigan after receiving a Distinguished Alumni Award from the Hope College Alumni Association on April 26.

Bradley chosen for Women in the Law honor

Justice Ann Walsh Bradley has been named one of Wisconsin Law Journal's 2014 Women in the Law. Bradley, along with the other recipients, will be recognized at a dinner in Milwaukee on June 12. The honorees will also be featured in a special issue of the Law Journal.



Justice Ann Walsh Bradley

Each year the Law Journal honors women in the legal field who have made significant contributions to the Wisconsin justice system.

Past recipients include Court of Appeals judges Patricia S. Curley and Lisa K. Stark; La Crosse County Circuit Court Judge Ramona A. Gonzales; Waukesha County Circuit Court Judge Jennifer R. Dorow; and former

see Awards on page 18

Women lawyers group honors Vel Phillips

The 2014 Association for Women Lawyers (AWL) Annual Women Judges' Night celebrated the achievements of Vel Phillips. Almost 300 AWL members and guests attended the 34th annual event on April 17. Among the guests were many jurists and judicial officers from federal, state, municipal and administrative courts, including Justices Ann Walsh Bradley and Annette Kingsland Ziegler of the Wisconsin Supreme Court.

Judge Maxine Aldridge White, Milwaukee County Circuit Court, spoke in honor of Phillips. White highlighted Phillips' many "firsts" and the significant contributions she made to the state over her past 63 years as a lawyer, civil rights activist, councilwoman, judge and Secretary of State. Before receiving AWL's 2014 award, Phillips, who recently celebrated her 90th birthday, also shared some interesting – and entertaining – stories of her own experiences. The AWL Foundation also awarded four scholarships totaling \$12,000 to women law students at Marquette University Law School and the UW Law School. ■



Deputy Chief Judge Maxine Aldridge White (right) honors Vel Phillips at the Association for Women Lawyers Annual Women Judges' Night.

Wisconsin interpreter program recognized

Wisconsin tied for fourth in a ranking of states in providing support for people with limited English proficiency, according to findings of the National Center for Access to Justice, which compiles the Justice Index. The Justice Index is an online data resource intended to provide a picture of which states are following practices and providing resources necessary to make the legal system fair to everyone.

The Justice Index considers a variety of factors, such as the use of "certified interpreters" and the availability of court forms translated into languages other than English. Researchers also reviewed laws in each state and judiciary websites dedicated to access to the justice system for

individuals with limited English proficiency.

Researchers collected data on the following questions: Does the state have a process in place to certify court interpreters? Is there a statute, rule, or other guidance document requiring the use of certified interpreters when such interpreters are available? Is there a statute, rule, or other guidance document requiring courts to provide interpreters for all criminal and civil court proceedings involving limited English proficient individuals? Do judges receive training in how to work with interpreters?

The data was gathered beginning in the fall of 2012 and continuing into the spring of 2013. ■

WISCONSIN CONNECTS

Gender & the judiciary program in Bosnia

By Judge Mel Flanagan, Milwaukee County Circuit Court

In March I traveled to Bosnia and Herzegovina (BiH) to teach judges on the topic of gender, race and ethnic bias in the courts. The programs were held in Sarajevo, Banja Luka and Travnik and were sponsored by the Atlantic Initiative, Center for the Democratic Control of Armed Forces Center for Security, Development & The Rule of Law, and the U.S. Department of Justice. They brought together judges from around the country to discuss conscious and unconscious bias and to release a research report on the status of these issues within the national court system. The research represents the first of its kind in BiH and the Balkans region and is very helpful in delineating how bias can, and does, impact the procedural and substantive treatment of men and women in court proceedings. This concern has not previously been addressed in the courts of BiH. I was asked to speak on how courts in the U.S. have dealt with similar issues.

In working with the judges from all regions of BiH, from large and small jurisdictions, I was very impressed with their commitment to equal justice and to identifying and addressing how issues of bias may impede that goal. The judges of BiH that I had the privilege of working with have the same goals that we have in our courts. They share our commitment to fairness and neutrality in all court proceedings and are working diligently to ensure this throughout their court system. ■



Milwaukee County Circuit Court Judge Mel Flanagan delivers a PowerPoint presentation (in Bosnian), as she addresses judges from Bosnia and Herzegovina on gender, race and ethnic bias in the courts.



Judges from Bosnia and Herzegovina listen to Judge Mel Flanagan discuss gender and the judiciary. Flanagan wore headphones and had to wait for translation before responding to questions. The translator's booth is located at the rear of the room.



Bridget Bauman, a policy analyst for the Wisconsin Children's Court Improvement Program, presented at the annual Court Improvement Program grantees conference in New Orleans on April 29. Bauman presented on the efforts that the Wisconsin court system has taken to improve full implementation of the Wisconsin Indian Child Welfare Act (WICWA), including the WICWA Judicial Checklist, circuit court forms, and the WICWA Continuous Quality Improvement Project.



Wisconsin State Law Librarian Julie Tessmer, who is also a chief petty officer in the U.S. Navy Reserves, is pictured here, front row, second from left, with colleagues in the U.S. Navy Reserve and a class of Naval officers from Eastern European countries. Tessmer served her annual military duty this spring in Riga, Latvia. Tessmer, a legalman, was part of a three-member team who spent a week at the National Defense Institute in late February. Her Reserve Unit is involved in maritime partnership programs with several countries in Europe and in Africa. Tessmer gave presentations on maritime interdiction operations and counter piracy. The class was composed of naval officers from Latvia, Lithuania, and Estonia. While in Riga, Tessmer had the opportunity to tour Old Town and try some of the local cuisine. She said she particularly enjoyed Janu siers, a cheese made with caraway seeds and served with Rupjmaize, a dark rye bread.

New laws *continued from front page***Criminal Law**

DNA at arrest. The state budget, passed in June 2013, established a program for collecting deoxyribonucleic acid (DNA) samples at arrest that will start on April 1, 2015. Under this statute, when a law enforcement agency obtains fingerprints or other identifying data from an individual arrested for a felony, it must also obtain a biological specimen for DNA analysis.

Searches by law enforcement of persons on probation, parole or extended supervision. If an officer finds there is reasonable suspicion of a crime or a violation of a condition of probation or release, the officer may conduct a search and notify the department after the search.

Supervised release and discharge of sexually violent persons. Various changes to ch. 980 including burden of proof, timelines for hearings and criteria for release.

Warrant required for tracking cell phone. In most instances, a warrant will be required for tracking the location of a cellular telephone or other wireless communications device; a detailed process for obtaining the warrant is included.

Strip searches. A new category of persons who can be strip searched is created, with a new definition of “detainee” to include a person incarcerated, imprisoned, or otherwise detained in a jail or prison with one or more other persons for at least 12 hours.

Allowing a victim of a crime to view portions of a PSI. A victim of a crime will be allowed to view portions of a presentence investigation (PSI) report that contain sentencing recommendations and any information pertaining to the victim. A victim may not keep a copy of the PSI and must keep the information confidential.

Human trafficking. A multi-faceted approach to the problem of human trafficking was passed, including changes to definitions and penalties, seizure and forfeiture of property and expungement.

New crimes or changed penalties. Among the crimes affected are theft of communication and video services, distributing sexually explicit images, and aiding a felon. After several sessions, the law was changed to eliminate the current exception that prevents close family members from being charged with harboring or aiding a felon with intent to prevent apprehension.

Civil Law

Injunctions suspending or restraining enforcement or execution of statute. An injunction or restraining order that suspends or restrains the enforcement of any state statute is made immediately appealable to an appellate court or to the Wisconsin Supreme Court.

Firearm surrender procedures and other changes to restraining orders or injunctions. Several bills passed that affect restraining orders or injunctions, including a mandate for a standardized procedure for the surrender of firearms by persons subject to a temporary restraining order or injunction. Another act allows a court to grant an extension of an injunction if the court makes specific findings about certain substantial risks faced by the petitioner. Another act fills a gap in procedures that currently exists involving firearm background checks. A fourth act includes provisions relating to stalking and payment of guardian ad litem fees, among other changes.

Landlord-tenant changes. Among the many changes to

landlord-tenant laws was a pre-emption of local ordinances that differ from federal or state law and changes to eviction procedures designed to speed up the process.

Lemon law. Several changes were made to Wisconsin’s lemon law, including shortening the time for filing an action, allowing the court to adjust remedies and eliminating the mandatory double pecuniary damages.

Informed consent. The current reasonable patient standard has been replaced with a reasonable physician standard. The law was first changed to cover physicians; a later act made the same change for podiatrists, chiropractors, dentists, and optometrists.

Personal injury trusts. Several new provisions involving disclosure, filing of claims and admissibility of evidence at trial were added to the civil procedure code for litigation involving personal injury trusts.

Court Administration

Increasing funds available for TAD grants. The Legislature increased the funding for the Treatment, Diversion and Alternatives (TAD) program twice during the session. In the state budget and later in separate legislation, the level of support for TAD funding was changed from approximately \$1 million per year to \$3.5 million per year. In addition, the budget provided another \$500,000 annually for grants to counties to establish and operate drug courts, bringing the annual total to \$4 million.

Election of Chief Justice. A constitutional amendment passed the 2013 Legislature on first consideration that would require the Chief Justice of the Supreme Court to be elected for a term of two years by a majority vote of the justices then serving on the court. In order to be adopted, this constitutional amendment must be adopted in identical form by the 2015 Legislature and then be approved in a statewide referendum.

Disclosure of juvenile records to entities conducting bona fide research. The Director of State Courts office, working with the Children’s Court Improvement Program, developed this legislation that will allow access to juvenile

see New laws on page 10



On April 8, 2014, Gov. Scott Walker signed into law 2013 Wisconsin Act 251 concerning the disclosure of juvenile records to entities conducting bona fide research. Standing, from left to right, are Bethany Anderson, an aide to Rep. Joan Ballweg (R-Markesan); Ballweg; Michelle Jensen Goodwin, director of the Children’s Court Improvement Program; A. John Voelker, director of state courts; Dee Pettack, an aide to Sen. Luther Olsen, (R-Ripon); and Olsen.

Photo credit: Jay Salvo, Legislative Photographer

Wisconsin teacher joins iCivics council

By Joe Schmidt, Peshtigo High School Teacher

Editors Note: *The following article was written by Peshtigo High School social studies teacher Joe Schmidt, who was selected as one of 23 teachers from across the country to participate in the National Teacher's Council for iCivics. The group will convene in Washington, D.C. July 14-17 to work with Justice O'Connor and the iCivics leadership board to develop new goals and reach out to educators. In addition to being a social studies teacher, Schmidt is head football coach and a member of the Wisconsin Council for the Social Studies.*

On July 21, 2011, I spent the day at the State Bar of Wisconsin as part of their "Symposium on Public Understanding of the Courts." This event brought together teachers, lawyers, judges and many other people who are connected to the legal system in Wisconsin. Keynote speakers included Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson and Justice Ann Walsh Bradley, who presented on their involvement with the new iCivics organization. iCivics is a non-profit organization dedicated to reinvigorating civic learning through interactive and engaging learning resources. Founded and led by retired U.S. Supreme Court Justice Sandra Day O'Connor, iCivics provides students with the tools they need for active participation and democratic action, and teachers with the materials to support them.

Since the fall of 2011, I have used iCivics as a way to supplement some of the lessons in my Civics & Government class at Peshtigo High School. Through the use of game based learning, students immediately fell in love with the iCivics activities and asked for additional time using the website. For the first couple of years, this was difficult as my classes had to find available time in our computer lab to use iCivics. This changed last year when I was able to pilot 1:1 Chromebook technology with the Junior class at Peshtigo High School. This allowed iCivics

to be an even bigger part of my curriculum.

Some examples of iCivics curriculum integration: having students play *Win the White House* after an introduction on how the Electoral College works; having students play *Argument Wars* as an introduction to some important Supreme Court Cases; and having students play *We The Jury* before they have to serve as lawyers, witnesses and the jury in our classroom mock trial. During this past year, we even incorporated a classroom leader board with prizes for high scores.

The combination of the gaming aspect of iCivics and the competition aspect of trying to achieve the high score has definitely increased student participation in the discussions that revolve around the iCivics activities.

This led to another opportunity: During the fall of 2013, iCivics notified its users that it was looking for applications for teachers interested in helping to form a National Teacher's Council for iCivics. Late last year, I was notified that I was one of 23 teachers selected from around the country, and the only one from Wisconsin, to help iCivics develop new goals. The original intent of iCivics was to develop civics curriculum that would be engaging to students. Now that iCivics feels that goal has been met, it is looking for ways to reach out to educators. The council will convene in Washington, D.C. for a week this summer to work with O'Connor and the iCivics leadership board to develop these goals. I am honored to have been selected to represent Wisconsin and teachers from around the country as iCivics moves forward with the next stages of planning and design. ■



Joe Schmidt

Court staff boost fund drive

Wisconsin Supreme Court employees were recently recognized by the United Way State Employees Combined Campaign (SECC) for having the third-highest percent increase in contributions for the 2013 fundraising campaign. The SECC is a once-a-year volunteer-driven campaign through which state of Wisconsin and University of Wisconsin employees in Dane County can give conveniently to many of their favorite charitable organizations. Since its inception in 1973, the campaign has raised a remarkable \$64.1 million for charitable causes. This year marked the third time in the past 12 years that the court employees have received special recognition for their contributions. ■



Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson gave the keynote address at the Wisconsin Council for the Social Studies annual conference on March 17 in Madison. The theme of the conference was "We Shall Overcome: Civil Rights for All." Abrahamson discussed civics education and the role of the courts and shared a bit about her personal experiences breaking into the male-dominated legal field early in her career.

PPAC rule petition adopted by Supreme Court

By Bonnie MacRitchie, Office of Court Operations

On April 4 the Wisconsin Supreme Court unanimously adopted a petition expanding limited scope representation rules in Wisconsin. Under the existing Supreme Court Rule Chapter 20, attorneys were legally able to provide limited scope services. The new rule provides more guidance on providing limited scope representations through the procedures outlined in the petition.

The intent of the rule change is to increase access to justice for low- and moderate-income people by allowing those who cannot afford full representation to get the help they need from a lawyer in a more affordable way and to encourage limited scope representation by Wisconsin attorneys.

Co-chairs Judge John P. Anderson, Bayfield County Circuit Court, and Atty. Mary K. Wolverson, Milwaukee, led the Limited Scope Representation Subcommittee of Planning and Policy Advisory Committee (PPAC) through a three-year process of research and collaboration with

stakeholders.

On June 10 the Milwaukee Bar Association will present the subcommittee with a Distinguished Service Award to recognize the efforts of the membership.

Other recent PPAC updates:

- The Public Library Initiative will begin its second round on Tuesday, June 10 in District Five at the Fitchburg Public Library. Invited speakers are: Dane County Circuit Court Judge Shelley Gaylord, Dane County Clerk of Court Carlo Esqueda, Rock County Register in Probate Louis Mineau, UW Law Professor Marsha Mansfield, and District Court Administrator Gail Richardson. The event is a partnership with Julie Tessmer of the State Law Library and Jean Anderson of the South Central Library System.
- The revised Wisconsin Court Security Incident and Threat Report Form is now available on Courtnet in both Word and PDF format. It is Form # CS-265. ■

Madison hosts national mock trial tournament

The National High School Mock Trial Championship was held in Madison in May, with Seattle Preparatory School from Washington taking home the top honor. The case the students argued involved a dispute between owners of an energy drink company, and a death allegedly caused by the energy drink.

Mock trial participants took over parts of the Wisconsin State Capitol, including the Supreme Court Hearing Room, during the competition.

Rhineland High School, who won the state championship in March, placed eighth out of the 46 teams competing in the national tournament. Rhineland has won 17 state titles, and won the national title in 1989.

"I was proud of our team and how they handled the pressure of competing against state champions from around the nation," Oneida County Circuit Court Judge Michael H. Bloom, who serves as a legal advisor for the team, told the *(Rhineland) Star Journal*. ■



A team from Rhineland High School placed eighth at the 2014 National Mock Trial Tournament held May 8-10 in Madison. Forty-six teams competed, including those from Guam, South Korea, the Commonwealth of Northern Mariana Islands, and state champions from across the country.



The finals of the 2014 National Mock Trial Tournament were held in the Wisconsin Supreme Court Hearing Room. The competition was hosted by the State Bar of Wisconsin.



Director of State Courts A. John Voelker meets annually on an informal basis with the Executive Committee of the Wisconsin Court Reporters Association (WCRA). This year's meeting was held May 8 at the Capitol Building in Madison.

From left to right: WCRA Past President Susan Kay, President-elect Sheri Piontek, Secretary Kathy Jagow, Director of State Courts A. John Voelker, President Karla Sommer, and Treasurer Lori Baldauf.

Among the topics discussed this year were the state budget, e-Filing, court reporter vacancies, real-time reporting, and the use of a software program that provides interactive real-time access to testimony.

The WCRA offered to provide real-time court reporter translation on a large screen at the Judicial Conference and the Judicial College this fall to demonstrate the technology.

New laws *continued from page 7*

records for researchers who enter into an agreement with the director.

Traffic and OWI

Penalties and testing for OWI. This act requires a court to impose a bifurcated sentence for a seventh or subsequent OWI offense. In *State v. C. Williams*, 2013 WI App 74, the Court of Appeals said the previous statutory language was not mandatory. The act also creates a mandatory penalty of 30 days for an OWI with an injury.

Tribal treatment facility participation. This act allows an offender who is a tribal member or spouse of a tribal member to receive assessment and treatment services at a facility provided by the tribe.

Inattentive driving. The Legislature modified inattentive driving to account for various electronic devices within a vehicle.

Agricultural vehicles on highways. This act updates and changes the regulation of an “implement of husbandry,” a vehicle or piece of machinery designed for agricultural purposes that is used principally off the highway.

Juvenile and Family Law

Waiver of parent’s right to counsel for failure to appear in contested adoption or involuntary TPR. This act would allow the court, in a contested adoption or involuntary termination of parental rights case, to make a finding a parent has waived his or her right to counsel. The court must find the parent’s conduct in failing to appear in person as ordered was egregious and without clear and justifiable excuse. The act was developed in response to the Supreme Court’s decisions on this issue in *State v. Shirley E.*, 2006 WI 129, and earlier cases. Under the act, failure to appear as ordered at consecutive hearings is presumed to be egregious and without clear and justifiable excuse, but

D-Day *continued from front page*

Jared Hassin recently completed U.S. Army Ranger School and is scheduled to complete Airborne School on his way to Army base Fort Carson in Colorado. He is expected to be assigned to a unit currently deployed in Afghanistan and is likely to head there in the coming weeks.

Judge Hassin’s daughter, Kelsey, is a 2010 West Point graduate, served with the 1st Armored Division in Afghanistan, and was recently promoted to captain.

Of course, neither of the younger Hassins have first-hand knowledge of the D-Day invasion, but they have a close, reliable source from whom they’ve learned: their grandfather, Don Hassin Sr., was a platoon leader in the 29th Infantry Division that arrived at Omaha Beach on D-Day.

“It wasn’t until two years ago, in helping my son with a paper he was writing at West Point, that he finally committed to paper the events of that day and several days that followed,” the judge said of his father.

Six weeks after landing on Omaha Beach, just 179 soldiers of the 850 original members of his battalion were still with the unit. An estimated 9,000 soldiers were killed or wounded during the invasion.

“D-Day anniversaries are celebrated by me and my dad, who is still doing reasonably well at age 94, with a quick word of thanks from me. The significance of his participation and survival is still a little overwhelming for

also requires the court to wait at least two days before holding a dispositional hearing on an involuntary termination of parental rights or a contested adoption.

“Rehoming” of adoptive children. This act prohibits Internet advertising related to adoption of a child and amends the process for delegation of parental powers in order to address the issue of “rehoming” of adopted children. As requested in this act, the Joint Legislative Council is forming study committee on adoption disruption and dissolution.

Out-of-home care to children over 18 with individualized education programs. The Legislature passed an act that will permit a child who is in out-of-home care and who has an individualized education program (IEP) to continue in such care until the child obtains a high school diploma or reaches 21 years of age, whichever occurs first. Under current law, out-of-home care placements generally end when the child reaches 18 years of age.

Placement of child under voluntary agreement. This act permits a child to be placed in a shelter care facility for up to 20 days under a voluntary agreement. Shelter care facilities are non-secure places for the temporary care and physical custody of children and are licensed by the Department of Children and Families.

Probate Law

Uniform Trust Code, Uniform Principal and Income Act, Powers of Appointment, and Changes to Estate Recovery and Divestment. This act replaces current law related to trusts with the Wisconsin Trust Code, a modified version of the Uniform Trust Code, as amended in 2005. The act also repeals a number of changes to the laws

see New laws on page 14

both of us to this day,” Judge Hassin said.

The eldest Hassin went on to a long and successful career in the Army, serving in combat again in Korea and in several other overseas assignments. He retired as a colonel in 1971.

“Not bad for a kid from Chester, PA, who still says he enlisted voluntarily in 1942, so he wouldn’t get drafted,” Judge Hassin said.

His father returned to Omaha Beach as a tourist in the late 1990s, and the tour guide pretty much let him lead the way, Judge Hassin said. “His longest stop was at the cemetery where, he says, many of his closest friends are buried.”

Judge Hassin graduated from West Point and served on active duty from 1971 to 1978 as an Infantry officer. He served in the Wisconsin National Guard for 20 years, retiring as a colonel in 1998.

Hassin’s wife Kathryn, a lawyer, did not serve in the military, but deserves a lot of credit.

“How she has dealt with us all over the years continues to be amazing!” Judge Hassin said. ■

Donald Hassin Jr. was first appointed to the Waukesha County bench in 1994. He was elected in 1995 and re-elected in 2001, 2007 and 2013.

Law Day activities sponsored around state

Courts statewide hosted events and activities in recognition of Law Day and Youth in Government Day 2014.

Bayfield County

Bayfield County Circuit Court this year held a mock sentencing instead of its traditional mock jury trial. Bayfield County Circuit Court Judge John P. Anderson and Clerk of Circuit Court Kay Cederberg thought it would help the 87 students who participated to see what happens after someone has been found guilty, and how difficult sentencing decisions can be. The sentencing was based on a mock car crash that was staged by students last year.

Prior to Law Day, each class was given the facts of the case and was required to come to a consensus on an appropriate sentence for the guilty party. The Teen Court Panel, composed of students from Bayfield County schools, staged the entire sentencing hearing. Bayfield County's Law Day events were covered extensively by the *Ashland Times*.

Columbia County

Columbia County celebrated Youth Government Day on April 30, with the assistance of the local VFW Chapter. Students from various county high schools who are taking civics or government-related classes traveled to the courthouse, were sworn in as county "elected officials," and spent time with the actual county officials, including Clerk of Circuit Court Susan Raimer. Students discussed the experience and viewed a real-life court proceeding in a courtroom.

Columbia County Circuit Court judges Daniel S. George, Alan J. White, and W. Andrew Voigt spoke with the students about the proceedings and answered questions.

On Law Day, White held a panel-style discussion for about 30 middle school students. White was joined by a deputy, a prosecutor and two defense attorneys for that program. The group discussed the role of people who work in the justice system and the consequences of drug and alcohol use.

Dane County

In Dane County, the Courthouse Committee of the Dane County Bar Association organized four events around the national Law Day theme: *American Democracy and the Rule of Law: Why Every*

Vote Matters. All events took place in the Dane County Courthouse. Legal practitioners, government employees and members of the public gathered together for a fun and educational afternoon.



Students from four Bayfield County school districts, including Bayfield, Drummond, South Shore and Washburn, attended a mock contested sentencing hearing at the Bayfield County Courthouse in recognition of Law Day. The exercise was intended to teach about the court system and to allow students observe the difficulties in deciding the appropriate sentence.

Three of the events brought members of the public together with court staff and attorneys. Dane County Circuit Court Judge Juan B. Colás discussed the importance of voting to the democratic process during a welcoming reception.

Following the reception, Dane County Circuit Court Judge Amy R. Smith presided over a mock trial during which local lawyers and community members acted out a criminal trial. Middle school and paralegal students served as jurors, hearing testimony and then deliberating until a unanimous decision was reached. Finding: not guilty.

While the mock trial was underway, the Dane County Legal Resource Center hosted a dozen volunteer attorneys, who provided free consultations to self-represented parties. Free consultations were available in English and Spanish on a first-come, first-served basis.

In addition, three one-hour seminars were held on topics related to voting and democracy, consistent with this year's Law Day theme. Attorneys James Troupis and Diane Welsh presented opposing arguments about Wisconsin's controversial Voter ID law; UW Law School Professor Larry Church gave a historical perspective on voting rights; and Sally Anderson of Wisconsin Lawyers Mutual Insurance Company spoke about "communication myths and the practice of law." About 50 people attended each of these sessions.

Douglas County

In Douglas County, Circuit Court Judge Kelly J. Thimm spoke to a group of fifth graders at a local elementary school.

Iowa County

In Iowa County, about 80 students visited county officials

and observed them at work on April 29 as part of Youth Government Day. Mineral Point High School students put on a mock trial in the courtroom. On May 6, about 80



Dane County Circuit Court judges Juan B. Colas and Amy C. Smith welcome people to the 2014 Law Day celebration sponsored by the Dane County Bar Association.

see **Law Day** on page 12

Law Day *continued from page 11*

middle school students from Dodgeville observed court proceedings for about two hours, including question and answer sessions.

Kenosha County

The American Legion Post 21 sponsored an essay contest for eighth-grade students from all schools in Kenosha County. Approximately 120 students who submitted essays regarding community crime prevention were invited to attend festivities, including an assembly featuring top elected officials.

Students also attended a police dog presentation, a “CSI presentation,” and had a tour of the Kenosha County Courthouse. Clerk of Circuit Court Rebecca Matoska-Mentink hosted; Kenosha County Circuit Court Judge Jason A. Rossell answered questions about being a judge and the role of the court system in crime prevention. Winners of the essay contest were provided with a trip to the State Capitol. The top essay writer was provided a plaque.

Kewaunee County

In Kewaunee County, five American Legion posts and auxiliaries sponsored the 50th Annual Youth Government Day. The event brought together students and officials, including Kewaunee County Circuit Court Judge Dennis J. Mleziva, who swore students into their student offices. Atty. Debra Mancoske spoke with the students, and a mock trial was held after students toured county offices.

Manitowoc County

In Manitowoc County, on April 23, government classes from several local high schools took tours of city and county offices, followed by a scripted one-hour mock trial performed by student volunteers from the participating high schools. The mock trial was overseen by Manitowoc County Circuit Court Judge Gary L. Bendix.

For three days (April 30, May 1-2), Reserve Judge Patrick L. Willis held his annual “Three Little Pigs” mock trial presentation for second grade students from elementary schools throughout the county. The cast of characters also included local attorneys. This event was sponsored by the Manitowoc County Bar Association.

Milwaukee County

In honor of a Law Day tradition that started in the 1950s, the Milwaukee County Bar Association held free walk-in legal clinics on May 10 at four locations throughout Milwaukee. Volunteer attorneys spoke with the public for free in one-on-one meetings.

Pierce County

Five schools from Pierce County participated in Law Day

activities on April 30. Middle school students assembled at the courthouse in the courtroom, where county officials and department heads introduced themselves. Pierce County Circuit Court Judge Joseph D. Boles and District Atty. Sean Froelich spoke with students during a question and answer session before students were led on a courthouse tour.



Officer Pablo Torres and his K-9 partner Chico gave a presentation to 8th graders as part of Law Day activities in Kenosha County.

Racine County

Volunteers from the Racine County Bar Association, including Racine County Circuit Court Judge Faye M. Flancher, visited schools to teach fourth grade students about the court system. The volunteers held a mock trial for Goldilocks, who allegedly had bad manners.

Sheboygan County

The Sheboygan County Bar Association sponsored a Law Day celebration at the courthouse on May 1. About 135 fifth-grade students from Grant and Longfellow elementary schools participated. Each class experienced: 1) the lawmaking process with Chris Petros from the Public Defender’s Office and Alexandra Smathers from the District Attorney’s Office. Students divided into groups and came up with a rule they wanted to implement at their school, presented it to the whole group, discussed it and voted on it; 2) a mock trial with Sheboygan County Circuit Court Judge James J. Bolgert in which the kids play all the parts, including judge, district attorney, defendant, witness, jurors, bailiff, clerk, defense counsel and a law enforcement officer. The plot is someone spray paints the courthouse at night and is seen by a little old lady who lives across the street. Jurors deliberate and if they convict the defendant, they get to sentence him; and 3) a visit to the Law Enforcement Center, where the sheriff showed them the dispatch center, the booking area, the holding cells and the old Huber area. Students also got to sit in a squad car and see all the equipment.

Trempealeau County

Trempealeau County Circuit Court officials helped students celebrate Youth Government and Law Day on April 30. Trempealeau County Clerk of Circuit Court Michelle Weisenberger arranged for guest speaker Al Bliss, Health Educator and Heroin Task Force member from La Crosse County, to meet with students.

Bliss was accompanied by Emily Lodean, community member on the Heroin Task Force, who shared her personal story about addictions. Nearly 90 students and law enforcement attended the event. Other facilitators for the event included the American Legion and county clerk’s office. Activities for the students included designating Federalist/Nationalist Groups, campaign speeches, election, voting and a demonstration by the police K-9 unit. The Circuit Court also participated in student observations, during which students visited the judge’s office and clerk of circuit court’s office to view court work first hand. ■

PEOPLE



Justice David T. Prosser

What does “The Future of Oral Argument” look like? Wisconsin Supreme Court Justice **David T. Prosser** got a glimpse into some of the possibilities while serving on a discussion panel at the 2014 spring meeting of the American Academy of Appellate Lawyers. The conference was held May 1-3 in Chicago.

“Although changes in technology have had a less obvious effect on oral argument, the practice still has changed

during our careers, with shorter arguments, fewer arguments, and hotter panels,” a description of the panel discussion stated.

The panel discussed the role of technology in oral argument and whether the use of technology may contribute to or possibly detract from the effectiveness of oral argument, Prosser said.

Among other forward-looking topics discussed at the

conference: “The Future of Briefwriting,” which featured Judge **Richard A. Posner**, U.S. Court of Appeals, Seventh Circuit; and “The Future of Law Firms.”

The non-profit Academy of Appellate Lawyers was founded in 1990 “to advance the highest standards and practices of appellate advocacy and to recognize outstanding appellate lawyers.”



Ramona Hackbarth of the Watertown Arts Council delivers three new artworks to the Dodge County Justice Facility. Courthouse Art Curator Geri Schrab and Dodge County Circuit Court Judge John R. Storck accept the art. The Dodge County Courthouse currently has 31 pieces of art on display from the Watertown Arts Council circulating art collection.



Photo credit: Deb Heneghan, State Bar of Wisconsin

Supreme Court law clerks moved the admission of Atty. Elizabeth Payne (right), law clerk to Justice Michael J. Gableman, at a group admission ceremony in the Supreme Court Hearing Room on April 10. It was the first time a motion to admit has been made by all the current serving law clerks.

Author **Andrew Guthrie Ferguson** quotes a 1986 article written by Chief Justice **Shirley S. Abrahamson** in his 2012 book, *Why Jury Duty Matters: A Citizen's Guide to Constitutional Action*. The article,

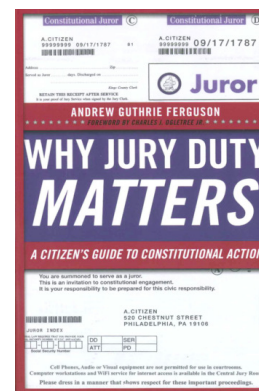
called to serve as a juror in Dane County.

called to serve as a juror in Dane County.

Ferguson's book reflects on the importance of jury service and the responsibility each citizen has to fulfill his or her constitutional responsibility.

Ferguson is an attorney in Washington, D.C. and an associate professor of law at the University of the District of Columbia David A. Clarke School of Law.

Advanced Placement government high school students from Janesville were able to



see **People** on page 17

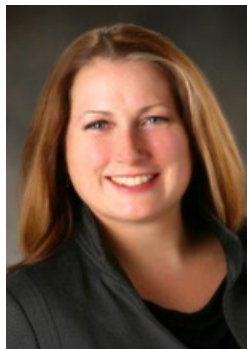
Elections *continued from front page*

Milwaukee County Circuit Court Branch 32 seat, which will become vacant due to the retirement of Judge Michael D. Guolee. Guolee will be retiring at the end of his term. A graduate of Columbia University and the University of Michigan, Perez has also worked in private practice.

In Waupaca County, Judge Keith A. Steckbauer was defeated by Assistant District Atty. Vicki L. Clussman. Steckbauer was appointed in January to replace retired Judge John P. Hoffmann (*see The Third Branch winter 2014*). Clussman is a graduate of UW-Eau Claire and William Mitchell College of Law. She has served as assistant district attorney for Waupaca County since 1987.

Milwaukee County Assistant District Atty. Janet C. Protasiewicz ran unopposed for the Milwaukee County Circuit Court Branch 24 seat made vacant by the retirement of Judge Charles

F. Kahn Jr. (*see The Third Branch fall 2013*). Protasiewicz has served as assistant district attorney since 1988. She also serves as an adjunct law professor at Marquette University, where she received her law degree. ■



Judge-elect Laura Gramling Perez



Judge-elect Vicki L. Clussman



Judge-elect Janet C. Protasiewicz

Director's column *continued from page 2*

IT and payroll system, which the courts also relied on at the time. Following the successful implementation of PHRS and CFS by the court system, DOA decided to revive its STAR (State Transforming Agency Resources) project, which had been previously launched and then stagnated for six years.

Our initiative helped the court system avoid a major problem that much of the rest of state government is just starting to grapple with. A recent *Milwaukee Journal Sentinel* article reported that state officials are again proceeding with the STAR project at an estimated cost of \$138.7 million and won't complete it until 2017.

Interpreter services

Wisconsin recently tied for fourth in a ranking of all states in providing support for people with limited English proficiency, according to findings of the National Center for Access to Justice. The center compiles the [Justice Index](#) (see article, page 5) to provide a picture of which states are

following practices and providing resources necessary to help ensure language access to the legal system.

The *Justice Index* considers a variety of factors, such as the use of "certified interpreters" and availability of court forms translated into languages other than English. Researchers also reviewed laws in each state and judiciary websites dedicated to access to the justice system for individuals with limited English proficiency. The data was gathered beginning in the fall of 2012 and continuing into the spring of 2013.

The Director of State Courts Office also recently received a State Justice Institute (SJI) grant from the National Center for State Courts (NCSC) to assess interpreting needs and to evaluate video and audio technology capabilities in circuit courts. The assessment and evaluation may lead to implementation of remote interpreting pilots in selected counties. ■

Legislative *continued from page 10*

relating to estate recovery and divestment and financial eligibility for Medical Assistance (MA) that had been enacted as part of the 2013-15 budget.

Emergency detention, involuntary commitment, and admission of minors for inpatient treatment. The Legislature passed several bills affecting treatment for mental illness, some developed by the Joint Legislative Council's Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51 and some developed by the Speaker's Task Force on Mental Health. One act changed several provisions dealing with emergency detention, involuntary commitment, and privileged communications. Another eliminated several current requirements affecting the admission of minors for inpatient treatment. One of the acts created a procedure for the corporation counsel to make a limited appearance in certain involuntary commitment proceedings. This act also contains required time limits for the court to review the three-person petition and determine whether an order of detention should be issued.

Other New Acts of Interest

Investigations of officer-involved deaths. After a great deal of discussion and negotiation, the Legislature adopted an act that relates to the investigation of an "officer-involved death." The act requires law enforcement agencies to have a written policy regarding the investigation, contains provisions regulating the disclosure of an investigatory report and grants certain rights to crime victims under the Victim's Basic Bill of Rights.

County and municipal prisoners in border counties. This act authorizes a county to enter into a contract with a bordering county in a different state to detain or imprison county or municipal prisoners.

Municipal court fees. Municipal courts are now allowed to increase their maximum court fee that may be imposed for municipal ordinance violations to \$38. The previous range of court fees is from \$15 to a maximum of \$28.

Sometimes success or failure in a legislative session is measured more by what proposals did not pass. Among the defeated proposals that we opposed because of their cost or

adverse impact on the court system:

- Restricting access to or limiting the information provided on the Wisconsin Circuit Court Access website.
- Reinstating contributions to crime prevention organizations.
- Maximizing equal physical placement and changing child support.

Many other bills that we watched closely because of their potential impact on the court system will likely be introduced in the next session, including:

- Returning certain 17-year-olds to the jurisdiction of the juvenile court.
- Bills increasing the penalties for operating while intoxicated (OWI), including making first offense a misdemeanor, mandatory minimum penalties for causing bodily harm and mandatory court appearances.
- Reducing the length of time an operating license can be suspended for failure to pay judgment.
- Reinstating the right to appoint counsel for a parent in CHIPS proceedings and eliminating jury trials in TPR cases.
- Psychiatric and behavioral care and treatment for persons with dementia, in response to the *Helen E.F.* case.

At the same time, we were disappointed that a number of proposals that we supported were unsuccessful. These include:

- Comprehensive revisions to the criminal code, as developed over many years by the Judicial Council.
- An expungement initiative that would expand the current statute and deal with dismissed or not guilty cases.
- Expanding TAD grants to include mental illness.

During the coming months, the Legislative Committee will be developing a positive agenda for the 2015-2016 session and is seeking input and suggestions. ■

For more information, contact Legislative Liaison Nancy Rottier, nancy.rottier@wicourts.gov or (608) 267-9733.

RETIREMENTS *continues from page 3*

right to be physically present. The Supreme Court ruled that Lister had conducted a proper colloquy, and the decision opened up the possibility of video conferencing for other court proceedings.

While Lister said he does plan to spend part of his retirement on his boat on Lake Michigan, he admits he does have some more unusual retirement plans, as he owns the patent rights to a polymer technology that eliminates bacteria on textiles, and will be working with the USDA and North Carolina University to promote its use in the medical field to reduce incidents of hospitalization due to infections.

Judge Maryann Sumi Dane County Circuit Court

Dane County Circuit Court Judge Maryann Sumi retired May 30. She left the bench after a distinguished, often visible, career, including being named the State Bar of Wisconsin's "Judge of the Year" in 2012.

Sumi was first appointed to the bench by then-Gov. Tommy Thompson in 1998. She was elected in 1999 and re-elected in 2005 and 2011.

During that time, Sumi presided over cases in each of the circuit court's divisions - criminal, civil and juvenile. She especially enjoyed the challenges presented by civil cases and the satisfaction of helping litigants resolve their disputes.

"It is a wonderful job, a humbling job, because of its challenges," Sumi said. "It's demanding but immensely rewarding."

Sumi said she felt a strong sense of responsibility each day she put on the robe: "It's the symbol of impartiality, and a constant reminder of the critical role of an impartial and independent judiciary."

Sumi handled many significant and high-profile cases, including challenges to 2011 Wis. Act 10, the controversial legislation affecting public employee bargaining rights.

However, there is not one specific case that stands out as the most memorable in her mind, she said. Instead, the most enduring part of the job has been doing the work judges do every day - resolving disputes and helping people move on with their lives.

Sumi said she leaves the bench while she still loves the job, and will miss the courthouse, its staff, and the people who come to court to have their cases heard.

Sumi served as an Associate Dean of the Wisconsin Judicial College and on the Criminal Jury Instructions Committee. From 2007-2013 she was presiding judge of Dane County.

Judge Wilbur W. Warren III Kenosha County Circuit Court

Kenosha County Circuit Court Judge Wilbur W. Warren III is looking forward to retirement. He said it feels like the right time, and he plans to spend time enjoying life and relaxing with his wife at their place in Door County. Warren

will step down from the Branch 5 bench Aug. 18.

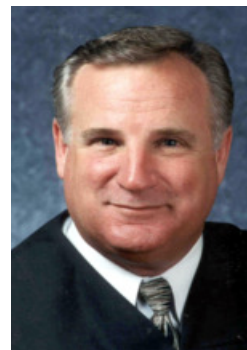
Warren said 18 years on the bench have created a lot of memories, but it is the first degree homicide trial of Ezequiel Lopez-Quintero that will always stand out to him. Lopez-Quintero was convicted of killing Kenosha County Deputy Sheriff Frank Fabiano Jr. during a routine traffic stop in 2007. Warren presided over the jury trial, which was heard in Racine County due to pretrial publicity. Warren, who sentenced Lopez-Quintero to life without parole, said the irony that Fabiano gave his own life protecting others struck him most.

Warren said he will miss the friends he has made in the court system and in the courthouse most. While he thinks he may miss the work, he said he has noticed an increase in the workload over the years, while the available staff has decreased.

"When I first started practicing, court started at nine. Now it starts at eight to get everything in," he said.

While he believes the court system faces the same economic issues as the other two branches of government, he said he feels the judicial system has been required to cut back more, making it more difficult to get the job done in the way it should be done.

Warren was first appointed to the bench in 1996, and elected 1997, 2003, and 2009. He had previously served as Kenosha County Circuit Court commissioner and worked in private practice. He has served as president of the Developmental Disabilities Service Center.



Judge Wilbur W.
Warren III



Judge Maryann Sumi

Bruce Harvey District Court Administrator

District Court Administrator Bruce Harvey has announced he will retire, effective Aug. 18. Harvey has served as administrator for the First Judicial District since 1997. He joined in the Milwaukee County courts in 1989, and has served as the administrator of the Milwaukee County criminal and children's courts, justice system review coordinator for Milwaukee County, deputy executive director of the Wisconsin Council on Criminal Justice, and as a legislative assistant in the Wisconsin Senate.

"Bruce has dedicated most of his professional career to making District One the best in the state," Chief Judge



Bruce Harvey

Jeffrey Kremers, Milwaukee County Circuit Court, said. "He has been a terrific partner with all of the judges in Milwaukee, but especially the chief judges, in making that happen."

As the district court administrator, Harvey was responsible for the planning, budget, and administration of the Milwaukee County court administrative staff, court

see **Retirements** on page 17

Commission creates subcommittee to address child safety decision-making

By Amy Roehl, CCIP Policy Analyst

The Wisconsin Commission on Children, Families, and the Courts has created a new subcommittee to enhance child safety decision-making across the state. The Child Safety Subcommittee is comprised of judicial officers and several stakeholders, including representatives from the state Department of Children and Families, district attorney and corporation counsel offices, the private bar, the State Public Defender's Office, tribes, and county child welfare agencies. The subcommittee was formed with the goals of creating a common language across disciplines and a consistent critical thinking framework regarding child safety, educating all child welfare and court professionals on child safety, and implementing consistent child safety decision-making practices across the state. The Child Safety Subcommittee will serve in an advisory role and make recommendations related to development of policy, resource materials, statutory changes, and training curricula to accomplish these goals.

At the subcommittee's kick-off meeting, members received training on "Child Safety: A Guide for Judges and Attorneys." The guide was written by Therese Roe Lund of the National Resource Center for Child Protective Services and Jennifer Renne of the National Resource Center on Legal and Judicial Issues. It describes a safety decision-making practice model that provides judges and attorneys with the information and tools necessary to make better decisions regarding removal and return home for children in the child welfare system.

Members of the subcommittee will examine how this safety decision-making model may be utilized and how the practices implemented through the Milwaukee Model Court Project may be implemented across the state. The Milwaukee Model Court Project, created in May 2012 through a partnership between the Milwaukee County Children's Court, the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Children's Court Improvement Program (CCIP), has used the guide to establish a common understanding and definition of safety

decision-making and advance its goal of empowering social workers in court.

The Child Safety Subcommittee is co-chaired by Mary Pat Bohn, deputy director, Bureau of Milwaukee Child Welfare, and Atty. Molly Jasmer, Waukesha County Assistant Corporation Counsel.

"It is important for all stakeholders to be on the same page so that children are placed outside their home only when safety threats cannot be managed with an in-home safety plan. I am very excited to co-chair the Child Safety Subcommittee and see how our experience in Milwaukee may be replicated in other parts of the state," Bohn said.

The Wisconsin Commission on Children, Families, and the Courts advises the Director of State Courts Office in its capacity as the grantee of the federal Children's Court Improvement Program, a federal initiative to improve the processing of child welfare cases in the court system.

The subcommittee members are Atty. Timothy Angel, private bar attorney; Jonelle Brom, Department of Children and Families; Atty. Mike Colgan, private bar attorney; Judge Craig R. Day, Grant County Circuit Court; Judge William Domina, Waukesha County Circuit Court; Atty. Eve Dorman, Dane County assistant corporation counsel; Judge Shelley Gaylord, Dane County Circuit Court; Atty. Kathryn Holtz, State Public Defender's Office; Atty. Nicole Homer, Ho-Chunk Nation; Autumn Knudtson, Department of Children and Families; Atty. Duke Lehto, private bar attorney; Court Commissioner Sandra Marcus, Marathon County; Jacquie Mohawk, Menominee Tribal Social Services; Kristi Petersen, Pierce County Department of Human Services; Beth Smetana, Jackson County Department of Health and Human Services; Atty. Mary Sowinski, Vilas County corporation counsel; and Laura Wagner, Jefferson County Human Services Department. ■

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Forum focuses on improving justice system

Chief Judge Jeffrey A. Kremers, Milwaukee County Circuit Court, discussed several evidence-based practices implemented in Milwaukee County during a presentation at the Community Brainstorming Conference Breakfast Forum held May 24 at St. Matthew C.M.E. Church in Milwaukee.

Kremers outlined drug courts and initial screening programs aimed at detecting underlying issues arrested suspects may face, such as drug or alcohol abuse or mental health issues.

The *Milwaukee Journal Sentinel* covered the forum and quoted Milwaukee Circuit Court Judge Carl Ashley as saying the programs are necessary because "the reality is what we've been doing has not been successful, and it's creating more harm... We have this cycle of dysfunction. How do we break that cycle? I have to tell you, the judicial system is at the tail end. We can only do so much," he said. "But the research tells us you are more effective in changing someone's behavior outside of a correctional facility than inside." ■



Chief Judge Jeffrey A. Kremers, Milwaukee County Circuit Court, was among five presenters at a recent Community Brainstorming Conference Breakfast Forum in Milwaukee. Seated to the left of Kremers are reserve Judge Russell W. Stamper Jr., who served as moderator; Milwaukee County District Attorney John Chisholm; First Assistant State Public Defender Thomas Reed; Judge Carl Ashley; and Michael Williams, an assistant regional chief at the state Department of Corrections.

Milwaukee Bar holds memorial service

On May 9, the Milwaukee Bar Association (MBA) held its annual memorial service at the Milwaukee County Courthouse. The memorial service honors and remembers those attorneys and judges who passed away during the last year. Deputy Chief Judge Maxine Aldridge White, Milwaukee County Circuit Court, presided over the service.

After White called the service to order, the Rev. Timothy L. Kitzke, pastor of four Milwaukee parishes, gave an invocation, which was followed by introductory remarks from MBA President Beth Ermatinger Hanan.

Guests included MBA members and the family members of those being honored at the service. Attendees also included Wisconsin Supreme Court Justice David T. Prosser and many current and retired judges.

Three speakers, Milwaukee County Circuit Court Judge John J. DiMotto and attorneys Christian G. Steinmetz and Marcia Facey Drame, gave reflections regarding the contributions the honored attorneys and judges made to the Milwaukee legal community and the community at large.

The service closed with White and Hanan reading the 53 names of those being honored and a closing prayer by Rev. Kitzke. Retired Judge Neal P. Nettesheim provided music for the service. At the conclusion, guests were invited to stay for a reception. ■



Presenters at the Milwaukee Bar Association's annual memorial service, left to right: Attorney Marcia Facey Drame, MBA President Beth Ermatinger Hanan, Deputy Chief Judge Maxine Aldridge White, Atty. Christian Steinmetz (son of the late Justice Donald Steinmetz), the Rev. Timothy L. Kitzke and Judge John J. DiMotto.



Judges, attorneys and family members gathered to remember members of the bar who died during the last year.

RETIREMENTS *continues from page 15*

commissioners, and trial courts. He holds a master's degree in public administration from the University of Colorado.

In 2009, Harvey was named an "Unsung Hero" by the *Wisconsin Law Journal* for his work in helping the legal community and court system run efficiently.

"To the extent we have made positive changes in our system Bruce is due a lot of the credit; where we have not

done so well it is usually because I ignored his sage advice," Kremers went on to say. "Unlike criminal cases that do not get better with age, Bruce, like a fine wine, just keeps getting better. I will miss him greatly."

Holly Szablewski, the Milwaukee County judicial review coordinator, has been chosen as the new district court administrator. ■

PEOPLE *continued from page 13*

meet with Chief Justice **Shirley S. Abrahamson** on March 24 as part of the Madison Seminar program, the *Janesville Gazette* reported.

The students also met with Sen. **Tim Cullen**, Rep. **Amy Loudenback**, and Wisconsin Manufacturing and Commerce Vice President of Government Relations **Scott Manley** to discuss a variety of state government issues, according to the article.

Abrahamson spoke to the students about impartiality on the bench, citing a case where she had to put her personal feelings aside in order to follow the law.

The group, which is led by Craig High School teacher **Scott Gudgel** and Parker High School teacher **Joe Van Rooy**, will write research papers and opinion pieces based on their experience as part of the seminar.

People who file for temporary restraining orders and injunctions in Dane County can now receive notification via telephone and email when the orders have been served, states an article in the *Wisconsin State Journal*.

According to the *State Journal*, the feature is available through the national automated service VINE Link, which

already provides status information about individuals incarcerated in Wisconsin.

The restraining order and injunction feature also allows petitioners to seek assistance immediately from local law enforcement if there is a violation, the article quotes the Dane County Sheriff's Office as saying. ■



Chief Justice Shirley S. Abrahamson greets and congratulates Advanced Placement government students from Janesville CJ and Parker high schools who visited Madison on March 24.

Chief Justice

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AWARDS *continued from page 5*

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ABOTA Wisconsin honors Pasell

La Crosse County Circuit Court Judge Dale T. Pasell has been chosen as the Wisconsin Chapter of the American Board of Trial Advocates’



Judge Dale T. Pasell

(ABOTA) “Judge of the Year.” Pasell was recognized with the honor May 14 in Madison.

The Wisconsin chapter presents the award each year to a member of the Wisconsin judiciary “whose thorough preparation, breadth of knowledge of the law, decisive rulings and courtesy to litigants, jurors and members of the bar have consistently advanced the interest of justice and the dignity of the judicial process.”

“Judge Pasell demonstrates all the characteristics that ABOTA looks for in a great trial judge. Attorneys who walk into his courtroom have confidence that they will be treated with respect, and that cases will be handled fairly, professionally, and according to the law,” said Atty. Lynn Laufenberg, president of the Wisconsin ABOTA chapter.

Pasell has served on the La Crosse County Circuit Court Branch 5 bench since first being elected in 1999. He was re-elected in 2005 and 2011. During his tenure, Pasell has served as a faculty member and as associate dean of the Wisconsin Judicial College. In 2009, he was elected as a Science and Technology Fellow of ASTAR (the Advanced Science and Technology Adjudication Resource Center) in Washington D.C.

As the recipient of this year’s award, Pasell will preside over the chapter’s annual civil trial demonstration seminar co-sponsored by the State Bar of Wisconsin.

ABOTA was established in 1957 for the primary purpose of preserving the civil jury trial. The organization has

presented this award to a Wisconsin judge for the past 25 years.

Gasiorkiewicz recognized for domestic violence awareness

Racine County Circuit Court Judge Eugene A. Gasiorkiewicz was awarded the David Namowicz Award by the Women’s Resource Center of Racine at their Diamonds & Dreams Gala on Feb. 8. The award is given to individuals who strive to raise awareness about domestic violence. Gasiorkiewicz was recognized for his work on public education on domestic violence and for his firearm surrender orders.



Judge Eugene A. Gasiorkiewicz

The Women’s Resource Center provides emergency shelter, advocacy, counseling, community advocacy and prevention education, and serves more than 1,200 adult and child victims of domestic violence each year.

State Bar honors class of ‘64

On May 14, the State Bar celebrated members who were admitted to practice 50 years ago at the 50-year Member Recognition Luncheon in Delafield.

Chief Justice Shirley S. Abrahamson spoke at the event, recalling that 1964 was the year the U.S. Supreme Court established malice standards with New York Times Co. v. Sullivan, President Lyndon Johnson signed the Civil Rights Act, demonstrations were held in New York and San Francisco to protest the Vietnam War, and Dr. Martin Luther King received the Nobel Peace Prize.

Among those honored were retired judges Thomas Cane, Michael W. Brennan, Dennis D. Conway, Michael S. Fisher, Robert R. Pekowski, Raymond F. Thums, Lawrence F. Waddick, and S. Michael Wilk. ■